

# SUMMARY MINUTES

ABAG Executive Board Meeting  
No. 365, January 15, 2009  
MetroCenter Auditorium  
101 8th Street, Oakland, CA

## 1. CALL TO ORDER

President Rose Jacobs Gibson called the meeting to order at approximately 7:05 p.m. She announced that a revised agenda was distributed which adds Item 6.H. related to the San Francisco Estuary Project.

### Representatives and Alternates Present

Supervisor Susan Adams  
Mayor Len Augustine  
Councilmember Jane Brunner  
Councilmember Kansen Chu  
Supervisor David Cortese  
Councilmember Dan Furtado  
Councilmember Richard Garbarino  
Mayor Jack Gingles  
Supervisor John Gioia  
Mayor Mark Green  
Supervisor Scott Haggerty  
Supervisor Rose Jacobs Gibson  
Mayor Beverly Johnson  
Councilmember Ash Kalra  
Supervisor Mike Kerns  
Supervisor Barbara Kondylis  
Councilmember Sam Liccardo  
Supervisor Mark Luce  
Education Advisor Hydra Mendoza  
Supervisor Ross Mirkarimi  
Mayor Julie Pierce  
Councilmember Joe Pirzynski  
Councilmember Jean Quan  
Supervisor Gail Steele  
Mayor Pamela Torlatti  
Supervisor Gayle B. Uilkema  
Supervisor Ken Yeager  
Terry Young

### Representatives Absent

Councilmember Carole Dillon-Knutson  
Director Nancy Kirshner Rodriguez  
Councilmember Nancy Nadel  
Mayor Gavin Newsom  
Mayor Pro Tem A. Sepi Richardson

### Jurisdiction

County of Marin  
City of Vacaville  
City of Oakland  
City of San Jose  
County of Santa Clara  
City of Campbell  
City of South San Francisco  
City of Calistoga  
County of Contra Costa  
City of Union City  
County of Alameda  
County of San Mateo  
City of Alameda  
City of San Jose  
County of Sonoma  
County of Solano  
City of San Jose  
County of Napa  
County of San Francisco  
County of San Francisco  
City of Clayton  
City of Los Gatos  
City of Oakland  
County of Alameda  
City of Petaluma  
County of Contra Costa  
County of Santa Clara  
RWQCB

### Jurisdiction

City of Novato  
City of San Francisco  
City of Oakland  
City of San Francisco  
City of Brisbane

## 2. PUBLIC COMMENT

There was no public comment.

### **3. ANNOUNCEMENTS**

President Jacobs Gibson welcomed Councilmembers Kansen Chu and Ash Kalra, City of San Jose, and Beverly Johnson, Mayor, City of Alameda, to the Board. She recognized Dave Cortese, Supervisor, County of Santa Clara, who remains on the Board as Immediate Past President. She also welcomed Julie Pierce, Mayor, City of Clayton, alternate from the cities in the County of Contra Costa, and Nancy Pyle, Councilmember, alternate from the City of San Jose.

There were no other announcements.

### **4. PRESIDENT'S REPORT**

President Jacobs Gibson wished members a happy, healthy, and prosperous New Year. She reported on the following:

The Spring General Assembly and Business Meeting will be held on April 23 in San Francisco at the Palace Hotel. The program will highlight climate protection issues and the implementation of SB 375 in the region. Staff is working with our regional agency partners, the Bay Area Air Quality Management District (BAAQMD), Metropolitan Transportation Commission (MTC), the San Francisco Bay Conservation and Development Commission (BCDC), and the Bay Area Council (BAC) about co-sponsorship of this conference. She encouraged members to ensure their delegates register and attend the General Assembly and Business Meeting.

The Administrative Committee will hold its annual meeting February 26 and 27 to discuss the agency's work plan and set priorities for the 2009-2010 fiscal year. A report will be presented at the March meeting of the Executive Board.

The Legislation and Governmental Organization Committee will host a Legislative Reception on January 28, 5:30 p.m. to 7:30 p.m., at Chops Steak House, Sacramento. She encouraged members to contact their local representative to attend.

Executive Director Henry Gardner will report on the San Francisco Bay Restoration Authority (SFBRA). ABAG is charged with appointing the members of the Authority. Nominations are being accepted from interested elected officials. Staff is finalizing a Statement of Interest form - available on line and in offices of eligible county and city clerks - that will be used to manage the process and which are due February 13. Nominations will be announced and appointments made at the March meeting of the Executive Board.

### **5. EXECUTIVE DIRECTOR'S REPORT**

Executive Director Gardner reported on the following:

The state's budget crisis continues. He noted the impacts of the state's budget crisis on counties and cities. In December the state notified ABAG and local governments that many contracts and grants were suspended and would remain suspended until there is a resolution to the budget crisis. He described ABAG's revenue sources and the possibility of making major adjustments to accommodate cash flow shortages. ABAG is hopeful that current funding for existing programs will remain in place since the source of these funds are restricted and are not normally available to the state for other purposes. There is no guarantee, however, that there will be no shifting of these funds to state programs and projects.

ABAG will be working closely with MTC, BAAQMD, and BCDC in developing strategies to comply with SB 375 and AB 32. This will require major staff and funding resources to ensure that ABAG's work is timely, comprehensive, and responsive to the charges and challenges of these legislation. ABAG has already committed to many of the goals and principles of this legislation, and has been working collaboratively with our regional partners to organize our collective efforts to produce the best results for the region. In order to be effective, ABAG need to establish clear, on-going communications with its members so that there is buy-in and support for the ultimate policy initiatives that ABAG will rely on to meet its goals.

ABAG continues its FOCUS Forum series in 2009 with monthly meetings, focused discussions, and guest speakers providing opportunities for elected officials and staff of member counties and cities to learn more about specific issues concerning the creation of complete communities near transit in urbanized areas.

Ending its 2006-2008 program cycle, the ABAG Energy Watch completed more than 240 individual energy efficiency projects at 45 separate agencies. These projects represent approximately 18,300,000 kWh/year in electricity savings and 475,000 therms/year in natural gas savings. During the first quarter of 2009 the program hopes to complete an additional 70 projects that are currently underway and represent 7.8 million kWh/year of savings.

Financings delivered by ABAG and its affiliated entities since the last report include: \$34 million in Revenue Bonds for Point Loma University in **San Diego County** to construct and renovate educational facilities; and \$28.21 million in Revenue Bonds for the Schools of Sacred Heart in **San Francisco** to refinance existing ABAG-issued debt.

Executive Director Gardner introduced Ezra Rapport, ABAG's newly appointed Deputy Executive Director.

Following the Executive Director's report, members announced the following:

Jean Quan, Councilmember, City of Oakland, noted Mr. Rapport's work with the cities of Oakland and New Orleans. She announced the appointment of a new executive director with StopWaste.org, and an upcoming ABAG activity for buyers to reduce waste upstream and a campaign aimed at multi-family dwellings.

Susan Adams, Supervisor, County of Marin, announced the formation of the Marin Joint Powers Authority on Clean Energy, and progress made on becoming a community choice aggregating county.

President Jacobs Gibson thanked Executive Director Gardner for his report.

## **6. CONSENT CALENDAR**

President Jacobs Gibson recognized a motion by Barbara Kondylis, Supervisor, County of Solano, and seconded by Mike Kerns, Supervisor, County of Sonoma, to approve the consent calendar. The motion passed unanimously.

### **A. Approval of Executive Board Summary Minutes\*\***

Summary Minutes of Meeting No. 364 held on November 20, 2008.

### **B. Grant Applications**

A list of grant applications was approved for submission to the State

Clearinghouse, having been circulated in ABAG's "Intergovernmental Review Newsletter" since the last Executive Board meeting.

**C. Appointment to Committees**

Approved the appointment of Susan Adams, Supervisor, County of Marin, to the San Francisco Estuary Project Implementation Committee.

**D. Authorization to Amend Contract with California Coastal Conservancy for Bay Trail Block Grant\*\***

Approved Resolution No. 01-09 authorizing amendment of a project block grant contract with the California Coastal Conservancy for individual Bay Trail grant projects.

**E. Authorization is Requested for Ratification of Contract Agreement with The Bay Institute for the Services of a Restoration Consultant\*\***

Authorized ratification of contract agreement. The San Francisco Estuary Project has received a grant contract for 2009 from the US Environmental Protection Agency for implementation of the Comprehensive Conservation and Management Plan (CCMP) and funds for this contract are included in this grant contract. Under terms of this agreement, SFEP/ABAG issued a request for qualifications for the Restoration Consultant. The one-year agreement will not exceed \$55,000.

**F. Authorization to Enter into Contract Agreement with the California State Coastal Conservancy for Support of the 2009 State of the Estuary Conference\*\***

Approved Resolution No. 02-09 authorizing the ABAG to enter into a contract agreement with the California State Coastal Conservancy for support of the 2009 State of Estuary Conference which will be held in September. The agreement provides \$100,000 in support of the conference.

**G. Authorization is Requested to Enter into Contract with Highest Qualified Candidate Responding to Request for Qualifications for Environmental Art and Poetry Contest Facilitator (Grades K-12)**

Authorized the Executive Director or designee to enter into a contract with the respondent selected in the RFQ review process. The contract amount will not exceed \$42,000 and the term is January 15, 2009, to December 31, 2009.

**H. Authorization to Amend Contracts with the California Department of Boating and Waterways (DBW) and the Santa Monica Bay Restoration Foundation (SMBRF)**

Authorized the Executive Director or designee to amend the contracts with DBW and SMBRF by increasing the not to exceed amount to \$1,844,667.10, an increase of \$343,475.00. The time period of the contract will be extended to December 31, 2010.

**7. PROJECTIONS 2009: PERFORMANCE OF LAND USE ALTERNATIVES\*\***

**Information/ACTION:** Paul Fassinger, Research Director, and Christy Riviere, Senior Planner, provided background on the development of Projections 2009, the addition of performance targets, and Projection 2009's relation to the MTC's Regional Transportation Plan; summarized local government feedback received on the two draft alternative development scenarios for Projections 2009; presented the newly developed third alternative, which incorporates all local government input; described four policy issues related to encouraging and limiting growth, employment location and design, incentives, and need to consider all strategies; and reviewed

next steps for Projections 2009. ABAG will conduct a workshop on February 9, 2009 to review and discuss the third Projections 2009 scenario. Final comments are due February 20, 2009, with the draft report presented to the Board at its March meeting.

Members discussed bike riding as an alternate mode of transportation, sociological impacts, jobs/housing imbalances, infrastructure networks, house size, water resources, infrastructure, resource distribution, and social equity.

President Jacobs Gibson thanked Mr. Fassinger and Ms. Riviere for their presentation.

#### **8. SAN FRANCISCO BAY RESTORATION AUTHORITY**

**Information/ACTION:** Executive Director Gardner provided background on the legislation and development of the San Francisco Bay Restoration Authority; described its purpose, role, governing board and advisory committee structure; and discussed the appointment process and described criteria for appointments to the Governing Board. By legislation, appointments are to be made by March 31.

President Jacobs Gibson described the nomination and appointment process, including submission of a Statement of Interest available from bay-side cities and counties clerk's offices and online. Councilmembers and supervisors from bay-side cities and counties and members of designated open space districts and parks will receive an email notice announcing the formation of the SFBRA Governing Board. Statements of Interest are due February 13, and nominations will be considered at the Executive Board meeting in March.

Members discussed inclusion of the military, state and national parks, and the San Pablo Bay Watershed Project under the purview of the SFBRA, the relation of the SFBRA to the San Francisco Bay Conservation and Development Commission, and whether alternates to the Governing Board are to be appointed.

President Jacobs Gibson thanked Mr. Gardner for his presentation.

#### **9. LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE REPORT\*\***

President Jacobs Gibson recognized Committee Vice Chair Mike Kerns, Supervisor, County of Sonoma, who announced his election as Vice Chair and that of Carole Dillon Knutson, Councilmember, City of Novato, as Chair. He reported on committee activities, including legislative priorities for 2009; bills for consideration in the 2009 legislative session; a report on the Legislative Reception on January 28 and the CALCOG Legislative Reception in Sacramento on February 11.

He listed proposed priority legislative areas for the 2009 Legislative Session, including pursuing legislation addressing focused integrated planning and environmentally healthy communities; pursuing resources and incentives for planning, infrastructure, and services to assist local governments and related climate change and land use solutions; adding bills reflecting recommendations from the ABAG Youth Gun Violence Task Force and the Long Term Financial Disaster Recovery Planning Initiative; supporting finance legislation that includes balanced revenue streams and fiscal reform; continuing to work with the League of California Cities and the California State Association of Counties on structural budget reform; and monitoring unfunded state mandates of local programs and fiscal impacts on local governments.

He reported on recommendations on bills for consideration in the 2009 Legislative Session, including AB 18 (Knight), Local Government: City Councils (oppose); AB 46 (Blakeslee), Energy: Energy Conservation Assistance (watch); AB 55 (Jeffries), Water Supply Planning (watch); AB 68 (Brownley), Solid Waste: Single-use Carryout Bags (watch); AB 87 (Davis), Single-use Carryout Bags: Environmental Effects – Mitigation (watch); SB 12 (Simitian), Sacramento-San Joaquin River Delta, Clean Drinking Water, Water Supply Security, and Environmental Improvement of 2009 (watch); and SB 31 (Pavley), California Global Warming Solutions Act of 2006: Revenue Allocations (watch).

President Jacobs Gibson recognized a motion by Vice Chair Kerns, and seconded by Jack Gingles, Mayor, City of Calistoga, to approve the committee report. The motion passed unanimously.

Sam Liccardo, Councilmember, City of San Jose, requested that the Bay Area Council's proposed constitutional convention on February 24 be referred to committee for consideration. President Jacobs Gibson reported that members have indicated support for the Bay Area Council's proposed constitutional convention.

President Jacobs Gibson thanked Vice Chair Kerns for his report.

#### **10. FINANCE & PERSONNEL COMMITTEE REPORT\*\***

President Jacobs Gibson recognized Committee Chair Scott Haggerty, Supervisor, County of Alameda, who announced his election as Chair. He reported on committee activities, including a follow up report on auditor's memorandum on internal control and actions to enhance the security of ABAG's computer system; review and approval of financial reports for November 2008; review and recommendation of proposed Work Program, Budget, and membership dues for Fiscal Year 2009-2010. Staff is committed to ensuring that the deficit reflected in the proposed budget is eliminated before being brought before the General Assembly for approval in April. The committee affirmed the previous decision to tie membership dues to Consumer Price Index, currently at 3.6%, and recommended the proposed Work Program and Budget show balanced revenues and expenditures before being presented at the General Assembly. The committee met in closed session with agency designated representatives regarding labor negotiations with SEIU Local 1021.

President Jacobs Gibson recognized a motion by Chair Haggerty, and seconded by Supervisor Kondylis to approve the committee report, including the proposed Work Program and Budget and except for the membership dues. The motion passed unanimously.

Members discussed membership dues and the proposed increase of 3.6%.

President Jacobs Gibson recognized a motion by Chair Haggerty, and seconded by Mark Green, Mayor, City of Union City, to approve the committee recommendation to increase membership dues by 3.6%. The ayes were 24, and the nays were 3 (John Gioia, Supervisor, County of Contra Costa; Supervisor Kondylis; Mark Luce, Supervisor, County of Napa). The motion passed.

President Jacobs Gibson thanked Chair Haggerty for his report.

## 11. ADJOURNMENT

Meeting adjourned at approximately 8:25 p.m.



Henry L. Gardner, Secretary-Treasurer

\*\* Indicates attachments.

\*\*\* For information on the L&GO Committee, contact Patricia Jones at (510) 464 7933 or [PatJ@abag.ca.gov](mailto:PatJ@abag.ca.gov), or Kathleen Cha at (510) 464 7922 or [KathleenC@abag.ca.gov](mailto:KathleenC@abag.ca.gov).

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